




HAMILTON POLICE SERVICE

INFORMATION REPORT

TO:	Chair and Members Hamilton Police Services Board
BOARD MEETING DATE:	March 28, 2024
SUBJECT:	Approved Backfill – Sworn Officers on WSIB
REPORT NUMBER:	23-070a
SUBMITTED BY:	Frank Bergen, Chief of Police
SIGNATURE:	

RECOMMENDATION

- That the Board support the increase of the Hamilton Police Service (HPS) approved headcount by thirty three (33) full-time Sworn Members, to backfill officers currently included in the HPS authorized headcount, who have been absent on WSIB for more than twenty four (24) months continuously with no current prognosis for a return to work.
- The deployment of the WSIB backfills will be phased in over time based on the operational and staffing needs of the HPS, intake at the Ontario Police College (OPC) and budgetary constraints.

EXECUTIVE SUMMARY

- As of February 13, 2024, there are thirty-three (33) Sworn Members whose absences extend beyond the twenty four (24) months, with twenty-eight (28) being Constables, four (4) Sergeants, and one (1) Staff Sergeant.
- The Sworn Collective Agreement does not have language or the requirement to backfill Members who have been absent from work for twenty four (24) months continuously with no expected return to work. This is notably different in the Civilian Collective Agreement, and in standard practices. This has negatively impacted staffing, contributing to increased overtime levels and a decline in Member wellness.
- By approving to backfill Sworn Members, over twenty four (24) months on WSIB absence with no prospect of returning to work in any capacity, will not only ensure those on leave receive the required support, address the service delivery gaps

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resulting from lost capacity, provide critical member wellbeing support for those who remain the workplace but also ensure the HPS is maintaining adequate staffing levels to meet demand for service.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Sworn Members absent are replaced by call-ins and overtime. The HPS spent \$6.89M in overtime in 2022 and \$6.31M in 2023.

The estimated impact to the operating budget, associated with thirty three (33) WSIB backfills, is approximately \$4.96M.

Due to recruitment challenges associated with competitive market in policing and OPC intake constraints, this additional cost will be realized over a responsible multi-year phase in approach and will be based on the operational and staffing needs of the HPS, as well as budgetary constraints.

Hiring full-time Sworn Members to backfill may reduce the pressures on overtime and assist in supporting and providing Member wellness and resilience.

Staffing: Increase the approved Sworn Constable headcount by twenty eight (28), Sergeants by four (4) and Staff Sergeant by one (1).

Legal Implications: N/A

INFORMATION

Patrol Divisions have a minimum staffing requirement to ensure effective response, public safety and safety of our Members. This language is embedded into our Collective Agreement, and has not changed since 2013. This is notable, as the population and demographics of Hamilton have changed over this same period of time.

When Sworn Members are absent from work (through annual leave, sick leave, maternity leave, parental leave or WSIB) they are not permanently backfilled. This often causes a call-in or overtime to fulfill the staffing requirements outlined in our Collective Agreement. The HPS has done everything creatively possible to offset the impact of Members being absent from work, including temporarily moving Members from other support or investigative divisions to the front line, collapsing units and shifting staffing daily.

This simply is no longer sustainable as it results in an additional workload for Members who are actively working and causes them to subsidize the shortfall in the authorized strength, which may lead many to burnouts. Thus, it is recommended that the HPS hire officers in excess of its authorized complement to account for Members that are absent from work for

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twenty four (24) months continuously with no prospect of returning to active duty. This is in line with the two (2) year timeline of the re-employment obligation as part of the WSIB Operational Policy Manual.¹

As of February 13, 2024, Sworn Members on WSIB were categorized as follows:

WSIB & Lock-in Status	Total Sworn Members
Lock-in anticipated in 2024 or not returning**	14
2-3 Years absent (15-47 months)	17
4-5 Years absent (48-59 months)	9
6-7 Years absent (60-72 months)	8
Beyond 72 months	15
WSIB > 2 years combined total	49

There are a total of forty nine (49) Members who have been absent on WSIB for greater than two (2) years and another twenty-nine (29) officers who have been off work for less than two (2) years. Combining these figures, seventy eight (78) members represent 9% of our sworn workforce. This number has grown in large part due to additional WSIB legislation, specifically the Presumptive Posttraumatic Stress Disorder (PTSD) legislation introduced for first responders in 2016. As sixteen (16) of the forty nine (49) members have previously been approved to be backfilled, this leaves thirty three (33) Members who will need to be backfilled.

Ever since the presumptive PTSD legislation, the HPS operates at a reduced deployable member complement in order to provide those on leave with the required support, and at the same time ensure that it operates within the approved budget. Sworn Members absent on WSIB are replaced by call-ins and overtime. The Human Resources (HR) department has been managing staffing in crisis response or reactive mode over many years and have undoubtedly crossed the point where this is no longer viable. Without a commitment to address reduced staffing levels resulting from leaves, member wellbeing and service delivery challenges are expected to increase.

Thus, by Board approving the backfill for Members who have been on a presumptive WSIB leave of two (2) years or greater for which there is no current prognosis for a return to work, will address the service delivery gap resulting from lost capacity, provide critical member wellbeing supports for those who remain in the workplace. The backfilled Member would take their place in the core authorized sworn headcount, and the approved backfill position would be removed from the approved backfill list, held within the HR department for tracking.

During this time, return to work and recovery goals would continue to be monitored and the WSIB claim managed. HPS has a robust return to work and recover at work program that

¹ WSIB Operational Policy Manual: Re-Employment Obligations: <https://www.wsib.ca/en/operational-policy-manual/re-employment-obligations>

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has been implemented over the past few years. The lost time claims and health care claims reported to WSIB, through Form 7s, are the primary drivers of our absences and costs. Overall these statistics are the impacts of occupational injuries and illnesses. As we actively manage absences from work, and accommodations at work, we are also building process for reporting hazards and increasing awareness of health and safety and member wellness.

WSIB Incidents by Type - Annual Summary

	2020	2021	2022	2023	2024 YTD*
Lost Time Claims	114	105	88	75	9
Health Care Claims	108	82	112	76	16
First Aid Required	99	107	127	128	22
Hazardous Situations	395	266	126	42	6
Recurrences	31	266	126	42	6
Total	747	582	470	333	54

*As at February 29, 2024

It is also important to note that in general practice, most organizations replace staff who are off work greater than two (2) years as they are not likely to return to the workplace. This timeframe in the non-occupational sense is known as the 'change of definition'. We can confirm that the City of Hamilton replaces both paramedics and firefighters when they are deemed 'permanently disabled' from performing their work. We are seeking the same replacement model starting with a focus on those Members who meet the WSIB lock-in threshold.

Over the past few years HPS has brought forward ongoing concerns to WSIB through various reporting channels. In early 2024, a meeting was held with key WSIB Senior Executives to raise the continuous gaps in process and management of claims. We expect with a renewed partnership with WSIB, HPS will see improved claims management experiences going forward.

Overall, approving the thirty three (33) Sworn Member backfills, the HPS anticipates a reduction in call-ins/overtime, addresses staffing challenges to meet demand for service, and promotes Member wellness and resilience as HPS continues to strive to fulfill our mission to serve and protect in partnership with our community.

ALTERNATIVES FOR CONSIDERATION

Status Quo, no approval to backfill Members off on WSIB which leaves the HPS to rely on call-ins and overtime to meet the staffing requirements resulting in staffing, service delivery and Member wellness challenges.

APPENDICES AND SCHEDULES ATTACHED

Not applicable

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FB/K. Prokopchuk

c: Karina Prokopchuk, Manager – Occupational Health
Sanela Dzaferi, Director – Finance
Ryan Diodati – Deputy Chief – Operations
Paul Hamilton – Deputy Chief – Support

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